

1
2
3
4
5
6
7
8
9 UNITED STATES DISTRICT COURT
10 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

11 RYAN KARNOSKI, *et al.*,

12 Plaintiffs,

13 v.

14 DONALD J. TRUMP, *et al.*,

15 Defendants.
16

Case No. C17-01297MJP

ORDER GRANTING PLAINTIFF JANE
DOE'S MOTION TO PROCEED UNDER
PSEUDONYM

17 This matter is before the Court on Plaintiff Jane Doe's ("Jane Doe") Motion to Proceed
18 under Pseudonym. Dkt. #31. Jane Doe, a transgender woman, is one of twelve plaintiffs
19 challenging the constitutionality of Defendants' decision to reverse a Department of Defense
20 policy that allowed transgender people to serve openly in the military. *See* Dkt. #30 ¶¶ 121–129.
21 Although she currently serves in the military, Jane Doe has not transitioned to living openly as a
22 woman, and it is not generally known to her fellow service members—or the community at
23 large—that she is transgender. Dkt. #31 at 1, 3. Given Defendants' reversal of the Department
24 of Defense's prior policy on transgender military service, Jane Doe fears she will be separated
25 from the military if her identifying information is disclosed. *Id.* at 3. Jane Doe's motion is
26
27
28


1 unopposed by Defendants. For the reasons discussed herein, the Court GRANTS Jane Doe's
2 motion.

3 Parties may proceed under a pseudonym "in special circumstances when the party's need
4 for anonymity outweighs prejudice to the opposing party and the public's interest in knowing the
5 party's identity." *Does I thru XXIII v. Advanced Textile Corp.*, 214 F.3d 1058 (9th Cir. 2000).
6 Additionally, where a pseudonym is used to protect a party from retaliation, courts must consider
7 the following: (1) the severity of the harm threatened; (2) the reasonableness of the anonymous
8 party's fears; (3) the anonymous party's vulnerability to retaliation; (4) the prejudice to the
9 opposing party; and (4) whether the public interest "would be best served by requiring that the
10 litigants reveal their identities." *Id.* at 1068–69 (internal citations omitted).
11

12
13 Jane Doe's need for anonymity outweighs any prejudice to Defendants or the public's
14 interest in knowing her identity. Here, the severity of harm threatened by Jane Doe disclosing
15 her identity is severe. Given Defendants' decision to ban transgender people from military
16 service, requiring Jane Doe to disclose her identity could lead to her separation from the military;
17 the loss of her military career would also mean the loss of her career benefits. *See* Dkt. #31 at 3.
18 Considering Defendants' ban, Jane Doe's fears are reasonable, and she is uniquely vulnerable to
19 harm because she has not disclosed her transgender status to her chain of command. *See Id.*
20 Additionally, since Jane Doe's identity has little bearing on Defendants' ability to address the
21 legal issues raised, allowing Jane Doe to proceed anonymously will not prejudice Defendants.
22 Finally, the Court agrees that forcing Jane Doe to reveal her identity might "function to limit
23 access to the courts for any citizen with a legitimate fear of retaliation by the government." *Id.*
24 at 4. Consequently, the Court finds the public interest weighs in favor of allowing Jane Doe to
25 proceed anonymously.
26
27
28

1 Because the factors the Court must consider weigh in favor of allowing Jane Doe to
2 proceed anonymously, and having reviewed the relevant briefing and the remainder of the record,
3 the Court hereby GRANTS Jane Doe's Motion to Proceed under Pseudonym (Dkt. #31).
4

5 DATED this _10th__ day of October, 2017.
6
7
8
9

10 
11 Marsha J. Pechman
12 United States District Judge
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28